ARGUMENTS

All the pending claims stand rejected in the Office Action as being unpatentable under 35 USC §103(a) over Decker et al. (Clin. Cancer Res. 5:1169-1192, 1999) in view of Corominas er al. (J. Bio. Chem. 260(30):16269-16273, 1985) and Armstrong et al. (Anal. Biochem. 292:26-33, 2001). Applicants respectfully traverse this rejection on the grounds that the Office Action fails to establish a *prima facie* case of obviousness for any of the pending claims.

> To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.
>
> MPEP §2143, interpreting 35 USC §103

The Office Action fails to establish a *prima facie* case of obviousness because the references fail to teach or suggest all the claim limitations and there is no suggestion or motivation to modify or combine reference teachings to produce claimed invention. A *prima facie* case of obviousness fails for at least following reasons. First, Decker et al. teaches a multiple step method with long reaction time (over night or at least more than 7 hours) (see the reference of Decker et al. p1170). The method also required temperature control and can't be miniaturized. The claimed invention features a miniaturizable fluorescent assay which is a single step screening assay with remarkable short reaction time (10 minutes or above) (see Application, p3, line 18-20). Moreover, the claimed invention works at room temperature and doesn't require temperature control. For at least these reasons, the Office Action fails to establish a *prima facie* case of obviousness, and Applicants are under no obligation to submit evidence of nonobviousness.

Secondly and independently, Corominas et al. teaches a radioactive cell assay. It doesn't teach or suggest anything close to the claimed invention and thus does not remedy the deficiencies of Decker et al.

Thirdly and still independently, Armstrong et al. teaches a flurometric assay in which the enzyme domain of ETA catalyzes the transfer of ADP-ribose from NAD+ to the diphthamide residue in eukaryotic translation factor eEF-2. Therefore, a florescent analogue of NAD+ is used in the assay to measuring the NADase activity of the DAD+-glycohydrolase family of enzymes (see the reference of Armstrong et al:, p 26-27). The claimed invention, however, uses a florescently labeled NAD+. In the reaction mixture, a protein such as histone can act as the acceptor, and DNA as cofactor (see Application, p3, line 5-9). Therefore, Armstrong et al. teaches a different mechanism and different assay from claimed invention and thus does not remedy the deficiencies of Decker et al.

Accordingly, either each reference alone or the combination of these references does not teach or suggest the claimed invention. Thus, it is believed that rejection has been overcome. Withdrawal of this rejection is respectively requested. Applicants respectfully submit that the application is now in condition for allowance and request prompt notice thereof. Should the Examiner believe that an interview would advance the prosecution of this application, the Applicants invite him to contact the undersigned at 908.231.3648.

Respectfully submitted,

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